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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 UNITED STATES OF AMERICA,)	CASE NO. 3:24-mj-71584-MAG
)	
14 Plaintiff,)	PROPOSED DETENTION ORDER
)	
15 v.)	
)	
16 JOHANNA GUERRERO SANTIBANEZ,)	
)	
17 Defendant.)	
)	

18
19 On August 30, 2013, defendant Johanna Guerrero Santibanez was charged by indictment with
20 nine counts of mail fraud, in violation of 18 U.S.C. § 1341, in the Southern District of Florida. In July
21 2011, the defendant left the United States, her then place of residence, and relocated to Chile. The
22 defendant has resided in Chile since 2011, and she has not returned to the United States until on or
23 around October 21, 2024. On or around November 1, 2024, federal law enforcement agents arrested the
24 defendant at San Francisco International Airport.

25 This matter came before the Court on November 6, 2024, for a detention hearing. The defendant
26 was present and represented by Assistant Federal Public Defender Gabriela Bischof. Assistant United
27 States Attorney Roland Chang appeared for the government. Pretrial Services prepared a pre-bail
28 reports. Dkt. 4. The government moved for detention and filed a memorandum in support of its motion

1 (Dkt. 5), and the defendant opposed. At the hearing, counsel submitted proffers and arguments
2 regarding detention.

3 Upon consideration of the Pretrial Services report, facts, the court file, proffers and arguments
4 presented, and for the reasons stated on the record, the Court finds by a preponderance of the evidence
5 that no condition or combination of conditions will reasonably assure the appearance of the defendant as
6 required for court proceedings in this case. Accordingly, the defendant must be detained pending trial in
7 this matter.

8 The present order supplements the Court's findings and order at the detention hearing and serves
9 as written findings of fact and a statement of reasons as required by 18 U.S.C. § 3142(i)(1). As noted on
10 the record, the Court makes the following findings as the bases for its conclusion:

11 1. The history and characteristics of the defendant, who is a Chilean citizen that has
12 permanently resided in Chile for the past thirteen years, since 2011. She currently resides in Santiago,
13 Chile, with her husband, two children, and her daughter's boyfriend. The defendant has not traveled or
14 returned to the United States since July 2011 until on or around October 21, 2024. Given her significant
15 familial and personal ties to Chile, the defendant has a strong incentive to flee the United States and
16 return to Chile to avoid criminal prosecution.

17 2. This matter is currently pending in the Southern District of Florida. All court
18 proceedings will take place in that District and require the defendant to travel across the country, likely
19 via bus or airport transportation, and outside the presence of any proposed custodian or surety. Travel
20 for court appearances would also require the defendant to possess passports or other travel documents
21 and provide the defendant with close geographical proximity to the border of the United States. Thus,
22 the defendant would have significant opportunities to flee the country to avoid criminal prosecution.
23 Given the serious charges faced by the defendant, this is likely the last opportunity for the United States
24 to prosecute this case because the defendant is physically present and in the country.

25 3. The nature and circumstances of the offense charged, which involve nine counts of mail
26 fraud, in violation of 18 U.S.C. § 1341, each carrying a maximum term of 20 years imprisonment.

27 4. The weight of the evidence against the defendant.

28 These findings are made without prejudice to the defendant's right to seek review of the

1 defendant's detention, or to file a motion for reconsideration if circumstances warrant it.

2 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

3 1. The defendant be, and hereby is, committed to the custody of the Attorney General for
4 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving
5 sentences or being held in custody pending appeal;

6 2. The defendant be afforded reasonable opportunity for private consultation with counsel;
7 and

8 3. On order of a court of the United States or on request of an attorney for the government,
9 the person in charge of the corrections facility in which the defendant is confined shall deliver the
10 defendant to an authorized United States Marshal for the purpose of any appearance in connection with a
11 court proceeding.

12 IT IS SO ORDERED.

13 DATED: November 20, 2024

14 
HON. THOMAS S. HIXSON
United States Magistrate Judge